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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

GAIL BARNES,

Plaintiff;

vs.

ELDORADO RESORTS CORPORATION, a  
Florida corporation; MICHAEL MARRS;  
KRISTEN BECK; DOMINIC TALEGHANI;  
AND DOES 1-50, inclusive;

Defendants.

Case No.: 2:15-cv-01026-RFB-PAL

**PLAINTIFF'S REQUEST FOR AN  
EXTENTION TO FILE AN OPPOSITION  
TO THE MOTION FOR SUMMARY  
JUDGEMENT.**

[Plaintiff's Second Request for an Extension  
to Respond to Dispositive Motions]

COMES NOW, Plaintiff, GAIL BARNES, by and through their attorney of record, hereby submits Plaintiff's Motion for Extension of Time to Respond to Dispositive Motions. This motion is made under the Federal Rule of Civil Procedure (hereinafter "FRCP") rule 6(b)(1)(A) and Nevada District Court Local Rules (hereinafter "LR") 6-2 and 26-4. Defendant filed their Motion for Summary Judgment on February 27, 2017. The current deadline for Plaintiff's response is March 29, 2017.

**PLAINTIFF'S MOTION FOR AN EXTENSION TO RESPOND TO DEFENDANTS'  
DISPOSITIVE MOTIONS (Second Request)**

1        This motion is based on this Motion, the Memorandum of Points and Authorities filed  
2 herewith, the pleadings and papers filed herein and upon such other matters as may be presented  
3 to the Court at the time of the hearing  
4  
5

6 DATED: March 28, 2017

WATKINS & LETOFSKY, LLP

7  
8 By: /s/ Daniel R. Watkins

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1                                   **MEMORANDUM OF POINTS AND AUTHORITIES**

2

3                                   **I.**

4                                   **FACTS**

5           As the Court is aware, this case is one of thirty-three related lawsuits (“Related Cases”) sitting before this Court. Recognizing the complexity of litigating these lawsuits simultaneously, the parties agreed to divide the cases into five groups and stagger deadlines in order to streamline the litigation process and avoid overlapping dispositive motion deadlines. (*See* ECF No. 55, 2:4-11).

10           On February 27, 2017, Defendant filed their Motion for Summary Judgment. (ECF No. 60). Defendant also filed three other Motions for Summary Judgment in the related cases.<sup>1</sup>

12           In *Kaplan v. Eldorado Resorts Corporation, et al.*, the motion consisted of forty-three pages and thirty-eight exhibits (ECF No. 57), a Notice of Filing (ECF No. 58) and Index of Exhibits (ECF No. 58), totaling approximately 460 (four-hundred and sixty) pages. In *Barnes v. Eldorado Resorts Corporation, et al.*, the motion consisted of twenty-eight pages and thirty-five exhibits (ECF No. 60), a Notice of Filing (ECF No. 62) and Index of Exhibits (ECF No. 61), totaling approximately 407 (four-hundred and seven) pages. In *Parr v. Eldorado Resorts Corporation, et al.*, the motion consisted of thirty-one pages and thirty-one exhibits (ECF No. 50), a Notice of Filing (ECF No. 52) and Index of Exhibits (ECF No. 51), totaling approximately 359 (three-hundred and fifty-nine) pages.

21           Since February 27, 2017, there’s been approximately sixteen depositions that took place with another twelve depositions that were noticed and later continued. Furthermore, the Court held a hearing on March 17, 2017, regarding Defendants’ Motions to Disqualify and Motion for

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26           <sup>1</sup> The Motions for Summary Judgment in the Related Cases, including the instant motion, are: *Kaplan v. Eldorado Resorts Corporation, et al.*, 2:15-cv-01015-RFB-PAL (ECF No. 57); *Barnes v. Eldorado Resorts Corporation, et al.*, 2:15-cv-01026-RFB-PAL (ECF No. 60); *Parr v. Eldorado Resorts Corporation, et al.*, 2:15-cv-01028-RFB-PAL (ECF No. 50); and *Scheinburg v. Eldorado Resorts Corporation, et al.*, 2:15-cv-01031-RFB-PAL (ECF No. 63).

Summary Judgment in the Related Cases. On March 23, 2017, Defendant filed an additional five motions for Summary Judgment in the Related Cases.<sup>2</sup>

The current deadline for Plaintiff to respond to Defendants' dispositive motions is March 29, 2017. (ECF No. 55). Plaintiff files this current motion seeking an additional two weeks of time to provide a meaningful response to Defendants' Motions for Summary Judgment.

## II.

### ARGUMENT

#### A. LEGAL STANDARD FOR EXTENSION OF TIME

##### **Federal Rule of Civil Procedure, Rule 6 (b) EXTENDING TIME.**

(1) *In General.* When an act may or must be done within a specified time, the court may, for good cause, extend the time:

(A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or

(B) on motion made after the time has expired if the party failed to act because of excusable neglect.

Federal Rule of Civil Procedure 6(b)(1)(A) permits a party to extend a deadline prior to its expiration upon a showing of "good cause." The standard to be applied by a court under FRCP 6(b)(1) is a liberal one in order to "effectuate the general purpose of seeing that cases are tried on the merits." *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1258-59 (9 Cir. 2010). "Good cause is a non-rigorous standard that has been construed broadly across procedural and statutory contexts." *Id* at 1259.

"Consequently, requests for extensions of time made before the applicable deadline has passed should 'normally ... be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party.'" *Id.* (Internal citation omitted).

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<sup>2</sup> The Motions for Summary Judgment filed on March 23, 2017 are: *Sekkat v. Eldorado Resorts Corporation, et al.*, 2:15-cv-01029-RFB-PAL (ECF No. 64); *Parr v. Eldorado Resorts Corporation, et al.*, 2:15-cv-01030-RFB-PAL (ECF No. 53); *Olshansky v. Eldorado Resorts Corporation, et al.*, 2:15-cv-01017-RFB-PAL (ECF No. 62); and *Bouch v. Eldorado Resorts Corporation, et al.*, 2:15-cv-01023-RFB-PAL (ECF No. 68).

1 Here, Plaintiff's counsel was served with the instant Motion for Summary Judgment on  
2 February 27, 2017. (ECF No. 60). Also on February 27, 2017, Plaintiff's counsel was served  
3 with three other motions for summary judgment in the Related Cases.<sup>3</sup>

4 Plaintiff has good cause to request this timely<sup>4</sup> extension of the deadlines to respond to  
5 Defendants' four simultaneous filings of their Motions for Summary Judgment because of the  
6 sheer volume and size of the motions in addition to the mass amount of evidence<sup>5</sup> obtained in  
7 discovery to refute the motions and the subtleties and nuances between the FMLA and ADA  
8 causes of action in these specific cases.

9 For example, in *Kaplan v. Eldorado Resorts Corporation, et al.*, the Motion for Summary  
10 Judgment consists of forty-three pages and thirty-eight exhibits (ECF No. 57), a Notice of Filing  
11 (ECF No. 58) and Index of Exhibits (ECF No. 58), totaling approximately 460 (four-hundred and  
12 sixty) pages. In *Barnes v. Eldorado Resorts Corporation, et al.*, the motion consists of twenty-  
13 eight pages and thirty-five exhibits (ECF No. 60), a Notice of Filing (ECF No. 62) and Index of  
14 Exhibits (ECF No. 61), totaling approximately 407 (four-hundred and seven) pages. In *Parr v.*  
15 *Eldorado Resorts Corporation, et al.*, the motion consists of thirty-one pages and thirty-one  
16 exhibits (ECF No. 50), a Notice of Filing (ECF No. 52) and Index of Exhibits (ECF No. 51),  
17 totaling approximately 359 (three-hundred and fifty-nine) pages.

18 It would be challenging to respond to a single Motion for Summary Judgment of this size  
19 and magnitude within the time frame required. However, responding to all four is simply  
20 impractical. The amount of depositions being conducted and the overlap of motions including  
21 the amount of exhibits and evidence in the instant case and Related Cases has put Plaintiff in a  
22 position of needing an additional two weeks to respond to Defendants' dispositive motions.

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25 <sup>3</sup> The Motions for Summary Judgment in the Related Cases, including the instant motion, are: *Kaplan v. Eldorado*  
26 *Resorts Corporation, et al.*, 2:15-cv-01015-RFB-PAL (ECF No. 57); *Barnes v. Eldorado Resorts Corporation, et*  
27 *al.*, 2:15-cv-01026-RFB-PAL (ECF No. 60); *Parr v. Eldorado Resorts Corporation, et al.* (ECF No. 50), 2:15-cv-  
28 01028-RFB-PAL (ECF No. 60); and *Scheinburg v. Eldorado Resorts Corporation, et al.*, 2:15-cv-01031-RFB-PAL  
(ECF No. 63).

<sup>4</sup> Plaintiff's deadline to respond to dispositive motions is March 29, 2017. (ECF No. 55)

<sup>5</sup> Including but not limited to years of medical records, paystubs, chargeback records and time sheets.

1 **III.**

2 **CONCLUSION**

3 For the above stated reasons, Plaintiff respectfully requests an extension of time for two  
4 weeks to allow Plaintiff to file their responses to Defendants' Motion for Summary Judgment.  
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6  
7 DATED: March 28, 2017

WATKINS & LETOFSKY, LLP

8  
9 By: /s/ Daniel R. Watkins

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17 Attorneys for Plaintiff, GAIL BARNES

18 IT IS SO ORDERED:

19 

20 RICHARD F. BOULWARE, II  
21 United States District Judge

22 DATED this 27th day of April, 2017.  
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ELDORADO RESORTS CORPORATION,  
MICHAEL MARRS, BRUCE POLANSKY,  
DOMINIC TALEGHANI, KRISTEN  
BECK, and JAMES GRIMES

Executed on this 28<sup>th</sup> day of March, 2017 at Newport Beach, California.

/s/ Susan Watkins

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Susan Watkins, an employee of  
WATKINS & LETOFSKY, LLP